



## International Travel Guidance

When you travel internationally as an employee, student, or guest of Florida State University (“FSU”), you need to know your responsibilities under U.S. export control regulations. Traveling abroad and taking certain items, providing certain services, or meeting with certain people can present export control concerns. This document provides guidance on how to avoid running afoul of U.S. export control regulations when traveling internationally.

Travel to most countries does not present an export control concern; however, travel to some countries may present a problem that is easily addressed, if we create and maintain records that show that the travel was exempt from the export control regulations. Even so, when an export control license is required for travel, it is crucial that we obtain it prior to the trip as violations of U.S. export control laws carry severe civil and criminal penalties for both FSU and the offending individual.

### **Sanctioned Countries/Restricted Parties**

Certain foreign parties – including specific people, businesses, research institutions, universities, government and private organizations, and other types of legal persons – may be subject to U.S. prohibitions. Such prohibitions may include prohibitions on research collaborations and may require specific licensing, even for educational exchange. These prohibitions are specified on several federally-maintained restrictive lists. It is important to review these lists and understand compliance responsibilities and limitations before collaborating, or sponsoring an employee or visiting scholar of a university listed therein.

FSU uses Visual Compliance™ to expedite screening of the restrictive party lists. Traveling to or collaborating with any entity on the restrictive lists has specific license requirements, and exemptions typically do not apply. The government has a policy of denial for licensing many of the entities on the lists. Before you travel, contact the Office of Research Compliance Programs for screening assistance or further guidance.

### **Purpose of the Trip**

Presentations & Seminars: In general, travel outside of the U.S. to attend a conference (but not to present) does not require a license. However, if you present at a conference, the material must be limited to topics that are not related to export-controlled items or technologies, unless that information is already in the public domain. Open seminars are usually not problematic unless they take place in a sanctioned country or involve restricted parties. Exchanges of technical information including academic discussions could require a license.

Foreign Collaborations & Exchanges of Technical Information: Publicly available information or fundamental research<sup>1</sup> can be shared with foreign colleagues as long as the recipients are not employees or representatives of the government of a sanctioned country, or restricted parties. This collaboration includes normal academic peer-review or publishing processes.

Research & Instruction Outside of the U.S.: Research and course instruction conducted outside of the U.S. may not qualify for the fundamental research exclusion. Export control regulations may apply until the work is published or is otherwise in the public domain. Before teaching a course or disclosing information outside of the U.S., it is important to ensure that the information is not subject to export control laws and regulations. For instance,

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<sup>1</sup> *Fundamental research* means research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.

when interacting with foreign persons, you cannot provide a “defense service” which includes providing technical “know-how” related to the design, development, production, manufacturer, assembly, operation, repair, testing, maintenance or modification of a defense article or dual-use technology.

**Furnishing Financial Assistance:** OFAC regulations prohibit providing material financial assistance or anything of value, including services, to any blocked or sanctioned country, individual, entity or organization, including a government agency of a sanctioned country. This can involve subcontracts, international suppliers, or payments to research participants. For example, a professional presentation, whether or not it contains materials controlled under International Traffic in Arms Regulations (“ITAR”) or Export Administration Regulations (“EAR”), is a “service” and “something of value” provided to the recipient audience, under OFAC regulations.

### **Export of Equipment or Data**

Any tangible items that you take to a foreign country are considered “exports” by the U.S. government, even if you are planning to bring the items back upon your return.

Even the technical information located on your laptop’s hard drive is considered to be an export of technology/technical data, once the laptop or notebook leaves the U.S. If you are traveling abroad with your laptop or any other electronic devices, these items along with the underlying technology, any data on your device, proprietary information, confidential records, and encryption software are all subject to U.S. export control regulations. Some foreign governments have regulations that permit the seizure of travelers’ computers and the review of their contents. U.S. Customs officials are also authorized to review the contents of travelers’ laptops without probable cause and can be held until your return.

You must comply with U.S. export regulations whenever you take such equipment and data outside of the U.S. Items that could have a “dual-use” (both commercial and military or proliferation applications), proprietary information, or items that are considered defense articles (even if used in an academic or research environment) are generally prohibited from export without specific federal licensing. Export control regulations will generally not restrain you from taking commercially available laptop computers and standard software to most countries. In most situations, licensing is not required to take items abroad under the Temporary Export Exception (TMP) as a “tool of trade.” However, other research equipment, select agents and toxins may not qualify under this exception. To qualify for the “tool of trade” exception, the export must:

1. Remain under the effective control of the exporter (or the exporter’s employees) by retaining physical possession of the equipment at all times or securing the item in a secure environment;
2. Consist only of reasonable equipment of the trade (equipment that people in your discipline would generally recognize as a “tool of trade”);
3. Not be taken to an embargoed country (Cuba, Iran, North Korea, Syria or Sudan);
4. Be carried with the exporter or shipped ahead within 30 days of exporter’s travel;
5. Be data that is within the public domain; and
6. Be for less than one (1) year.

You should not take ANY of the following items abroad without first obtaining specific advice from me:

1. FSU-owned scientific equipment (other than a sanitized laptop computer, PDA, smart phone, or electronic storage device);
2. Data or information received under an obligation of confidentiality including private information about research subjects;
3. Data or analyses that result from a project for which there are contractual constraints on the dissemination of the research results;
4. Devices, equipment or computer software received with restrictions on export to or on access by foreign

- nationals;
5. Devices, systems, or software that were specifically designed or modified for military or space applications;
  6. Controlled unclassified information, or
  7. Classified information.

If U.S. Customs and Border Protection (CBP) officials suspect that a regulated item or defense article has been exported without a license, they may, for example, on your return examine files and software on your laptop computer as well as your baggage. For this reason, international travelers are encouraged to “sanitize” electronic devices by removing all non-essential data prior to leaving the United States. Inspectors in other countries may detain and copy your hard drive. Alternate safeguard methods include taking a sanitized laptop with only public domain files needed for the specific international trip or encrypting and then e-mailing to yourself any information you may need while overseas. Do not retrieve the e-mail until you have reached your destination, and remember you will need to remove it completely prior to returning to the U.S. or prior to crossing any international border.

### **Other FSU Resources**

FSU Office of Compliance and Ethics - [International Travel Guidance Spring 2022](#) and [International Travel Attestation Form Applying for an Exemption to Travel to a Country on the U.S. Department of State Travel Warning or Alert List](#)  
[Student Travel Policy and Faculty Travel Information](#)  
[FSU Controller’s Office – Foreign Travel](#)

FBI Tips:

[Safety and Security for US Students Traveling Abroad](#)  
[Safety and Security for the Business Professional Traveling Abroad](#)

Best Practices from other universities

Tips from the University of Pennsylvania  
[http://www.upenn.edu/computing/security/advisories/InfoSec\\_Data\\_Security\\_Travel\\_Tips.php](http://www.upenn.edu/computing/security/advisories/InfoSec_Data_Security_Travel_Tips.php)

Tips from Northwestern University  
<http://www.it.northwestern.edu/security/travel.html>

North Dakota State University’s ITS website on traveling abroad with electronic devices  
[http://www.ndsu.edu/its/security/traveling\\_abroad\\_with\\_electronic\\_devices/](http://www.ndsu.edu/its/security/traveling_abroad_with_electronic_devices/)

Working with the Office of Research Compliance Programs well ahead of your international trip is the best way to ensure that your travel, items, and information can be taken abroad without a license or violation of the export control laws and/or regulations.

### **Contact**

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